

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

UNITED STATES, *et al.*,

Plaintiffs,

vs.

No. 1:23-cv-00108-LMB-JFA

GOOGLE LLC,

Defendant.

GOOGLE LLC'S EMERGENCY MOTION FOR CONTINUANCE

Pursuant to Rule 7(G) of the Local Civil Rules for the United States District Court, Eastern District of Virginia, Defendant Google LLC (“Google”) moves for an order continuing the September 8, 2023, Hearing on the Plaintiffs’ Motion for Judgment on the Pleadings or to Strike as to Google’s Tenth and Thirteenth Affirmative Defenses, or in the Alternative for a Protective Order (ECF No. 317), by one week to September 15, 2023, because Google’s counsel set to argue the motion tested positive for COVID-19 yesterday evening.

Local Civil Rule 7(G) provides, in pertinent part, that continuances may be granted “for good cause and upon such terms as the Court may impose.” E.D. Va. Civ. R. 7(G). Here, Google’s co-lead counsel, Eric Mahr, has tested positive for the COVID-19 and is currently symptomatic. There are a number of depositions also taking place on September 8, including one being taken by Google’s other co-lead counsel.

Google accordingly requests a brief, one-week continuance of the Hearing date to September 15, 2022. Continuing the Hearing to that date will ensure that the Centers for Disease Control and Prevention’s current isolation guidelines will be followed, thereby protecting the health and safety of all who will be in attendance at the hearing, and allow counsel adequate time to recover. *See Order, Su v. JAG Contractors, Inc. et al*, 1:22-cv-00783-

LMB-WEF (E.D. Va. July 27, 2022), ECF No. 16 (granting motion to continue hearing for one week where party's counsel tested positive for COVID-19). To the extent certain depositions may be affected by the Court's ruling, none are currently scheduled during the intervening week and therefore will not be delayed by the Court granting Google's requested continuance. Google has consulted with the Plaintiffs through counsel for the United States, and Plaintiffs take no position on Google's motion for a continuance.

For the foregoing reasons, Google respectfully submits that there exists good cause to continue the Hearing for one week due to the COVID-19 diagnosis and ensuing illness of counsel, and to safeguard the health and safety of the Court and all hearing attendees. A proposed order is submitted herewith.

The parties do not seek oral argument on this continuance motion.

Dated: September 6, 2023

Respectfully submitted,

/s/ Craig C. Reilly
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